

July 2, 2012

By Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

**Re: In the Matter of Progeny LMS, LLC, Petition for Waiver of the
Rules and Request for Expedited Treatment
WT Docket No. 11-49, and
Request of Progeny LMS, LCC, for Waiver and Limited Extension
of Time, FCC File Nos. 0005260024 *et seq.*
Ex Parte Notice**

Dear Ms. Dortch:

On July 1, 2012, Stephen E. Coran, representing the Wireless Internet Service Providers Association ("WISPA"), and the undersigned, representing Itron, Inc. ("Itron") (collectively, the "Part 15 Parties"), met with Charles Mathias, Special Counsel to Chairman Genachowski. The purpose of the meeting was to brief the Chairman's Office on the progress of cooperative testing between Progeny and the Part 15 community.

The Part 15 Parties noted that:

- Considerable progress has been made between Progeny and the Part 15 community in developing a joint test plan, and that initial cooperative testing likely would be completed by the end of summer;
- The parties intend to submit test results as well as conclusions to the Commission, though the Part 15 Parties currently lack clarity as to whether the Progeny build-out and equipment tested is representative of what would ultimately be deployed commercially;
- The Part 15 Parties are concerned with Progeny's existing build-out, given the lack of validity of the previously submitted Progeny test report that was conducted prior to deployment of all beacons in the test area and without full knowledge of how Part 15 devices operate; and
- Comprehensive testing is essential, and the cooperative testing presents the one opportunity the FCC has to ensure that there will be no

unacceptable levels of interference to Part 15 devices due to Progeny's operations.

Additionally, we addressed Progeny's recently filed Request for Waiver and Extension of Time ("Request").¹ Because this Request is predicated on the Part 15 testing requirement and Progeny's stated difficulty in securing market-ready M-LMS equipment, the Request should be considered in the context of the cooperative testing results. Additionally, the Part 15 Parties requested that, once the cooperative testing results are submitted, the Commission should issue a Public Notice allowing for public comment on both the test report and Progeny's Request. In this regard, the Commission should consider suspending Progeny's construction obligations until it has complied with the requirement to cause no unacceptable interference to Part 15 devices.

Please direct any questions to the undersigned.

Sincerely,
/s/
Laura Stefani
Attorney for Itron, Inc.

cc: Charles Mathias
Julius Knapp
Geraldine Matise
Paul Murray
Paul D'Ari

¹ In the Matter of Request of Progeny LMS, LLC, for Waiver and Limited Extension of Time, FCC File Nos. 0005260024 *et seq.* (filed June 21, 2012).